

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, MARCH 25, 2010

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 25, 2010

The Senate met in regular session at 9:12 a.m., President Kibbie presiding.

Prayer was offered by Reverend Kevin Gingerich, pastor of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Wednesday, March 24, 2010, was approved.

The Senate stood at ease at 9:22 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:55 a.m., President Kibbie presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bills in which the concurrence of the House was asked:

[Senate File 2279](#), a bill for an act relating to voluntary shared work plans under the unemployment compensation program.

[Senate File 2331](#), a bill for an act relating to participation of chiropractors in the hawk-i program.

ALSO: That the House has on March 25, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 2250](#), a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty. ([S-5326](#))

[Senate File 2324](#), a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. ([S-5327](#))

ALSO: That the House has on March 25, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

[House File 2459](#), a bill for an act establishing a watershed planning advisory council. ([S-5328](#))

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dandekar, Dvorsky, and Hatch, until they arrive, on request of Senator Gronstal.

HOUSE AMENDMENT CONSIDERED

[Senate File 2381](#)

Senator McCoy called up for consideration [Senate File 2381](#), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, providing for properly related matters, and making penalties applicable, amended by the House in House amendment [S-5320](#), filed March 24, 2010.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2381](#)), the vote was:

Yeas, 29:

Appel	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Heckroth	Quirnbach	Warnstadt
Courtney	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate Resolution 114](#).

[Senate Resolution 114](#)

On motion of Senator Gronstal, [Senate Resolution 114](#), a resolution to thank Senator Steve Warnstadt, on the occasion of his retirement from the Iowa Senate, for sixteen years of legislative service, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Warnstadt.

Senator Gronstal moved the adoption of [Senate Resolution 114](#), which motion prevailed by a voice vote.

Senator Warnstadt was presented with an enrolled copy of [Senate Resolution 114](#).

Senator Warnstadt addressed the Senate with brief remarks.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2381](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 12:38 p.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

[House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

Read first time and attached to **similar** [Senate File 2385](#).

HOUSE AMENDMENT CONSIDERED

[Senate File 2324](#)

Senator Warnstadt called up for consideration [Senate File 2324](#), a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions, amended by the House in House amendment [S-5327](#), filed March 25, 2010.

Senator Warnstadt moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Warnstadt moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2324](#)), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

[House File 2459](#)

Senator Hogg called up for consideration [House File 2459](#), a bill for an act establishing a watershed planning advisory council, amended by the Senate and further amended by the House in House amendment [S-5328](#) to Senate amendment [H-8464](#), filed March 25, 2010.

Senator Hogg moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hogg moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2459](#)), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate File 2250](#)

Senator Kreiman called up for consideration [Senate File 2250](#), a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty, amended by the House in House amendment [S-5326](#), filed March 25, 2010.

Senator Kreiman moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Kreiman moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2250](#)), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2250** and **2324** and [House File 2459](#) be **immediately messaged** to the House.

The Senate stood at ease at 2:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:11 p.m., President Kibbie presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2384](#), a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

HOUSE AMENDMENT CONSIDERED

[Senate File 2376](#)

Senator Schoenjahn called up for consideration [Senate File 2376](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions, amended by the House in House amendment [S-5309](#), filed March 23, 2010.

Senator Schoenjahn offered amendment [S-5330](#), filed by him from the floor to pages 2-5 of House amendment [S-5309](#), and moved its adoption.

A record roll call was requested.

On the question “Shall amendment [S-5330](#) to House amendment [S-5309](#) be adopted?” ([S.F. 2376](#)), the vote was:

Yeas, 29:

Appel	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Heckroth	Quirnbach	Warnstadt
Courtney	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 3:

Dandekar	Dvorsky	Hatch
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Amendment [S-5330](#) was adopted.

Senator Ragan offered amendment [S-5329](#), filed by Senators Ragan and Bartz from the floor to pages 4 and 5 of House amendment [S-5309](#), and moved its adoption.

Amendment [S-5329](#) was adopted by a voice vote.

Senator Schoenjahn moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Schoenjahn moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2376](#)), the vote was:

Yeas, 28:

Appel	Dotzler	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	Olive	Sodders
Courtney	Heckroth	Quirnbach	Stewart
Danielson	Hogg	Ragan	Warnstadt
Dearden	Horn	Rielly	Wilhelm

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2376](#) be **immediately messaged** to the House.

RECESS

On motion of Senator Gronstal, the Senate recessed at 3:35 p.m. until 5:00 p.m.

EVENING SESSION

The Senate reconvened at 5:30 p.m., President Kibbie presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2385](#).

[Senate File 2385](#)

On motion of Senator Dvorsky, [Senate File 2385](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment [S-5331](#), filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment [S-5331](#) was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that [House File 2531](#) be **substituted** for [Senate File 2385](#).

[House File 2531](#)

On motion of Senator Dvorsky, [House File 2531](#), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

([House File 2531](#) was deferred.)

The Senate stood at ease at 5:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:58 p.m., Senator Dotzler presiding.

ADJOURNMENT

On motion of Senator Rielly, the Senate adjourned at 6:59 p.m. until 8:45 a.m., Friday, March 26, 2010.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Terry E. Stewart, Chairman of the Democratic Party in Dubuque—For celebrating his 65th birthday. Senator Jochum (3/25/10).

Cortaz Banks, Black Hawk County—For being named Youth of the Year for the State of Iowa by the Boys and Girls Club of America. Senator Dotzler (3/25/10).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast and northwest Senate gallery:

Fourth and fifth grade students from Harris-Lake Park Elementary. Senator Johnson.

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: Wednesday, March 24, 2010, 12:10 p.m.

Members Present: Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Sodders and Wieck.

Members Absent: None.

Committee Business: Testimony from the Iowa Association of School Boards.

Adjourned: 1:40 p.m.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 25th day of March, 2010:

[Senate File 2305](#).

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5326	S.F. 2250	House
S-5327	S.F. 2324	House
S-5328	H.F. 2459	House
S-5329	S.F. 2376	Amanda Ragan Merlin Bartz
S-5330	S.F. 2376	Brian Schoenjahn
S-5331	S.F. 2385	Robert E. Dvorsky
S-5332	H.F. 2531	David Johnson